

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.	)	CASE NO. 1:08 CV 2755
	)	
Plaintiff,	)	JUDGE: LESLEY WELLS
	)	
-vs.-	)	
	)	
SAP AMERICA, INC., et al.	)	
	)	
Defendants.	)	

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PLAINTIFF HODELL-NATCO INDUSTRIES, INC.'S MOTION FOR LEAVE TO  
FILE SURREPLY IN OPPOSITION TO THE SAP DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

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Plaintiff Hodell-Natco Industries, Inc., by and through undersigned counsel, requests leave of this Court to file a Surreply in opposition to the Motion for Summary Judgment filed by Defendants SAP America, Inc. and SAP AG (collectively "SAP") (ECF #110) and in opposition to the SAP's Reply Brief in support of their Motion for Summary Judgment (ECF #163) on or before November 9, 2012.

Hodell submits that good cause exists for the filing of this Motion. Specifically, Hodell submits that SAP's Reply Brief is replete with mischaracterizations of the factual record, and accordingly, Hodell should be given an opportunity to address the factual arguments raised in SAP's Reply, and the application of those facts to the law cited in SAP's Reply.

Alternatively, Hodell requests leave to file a Statement of Disputed and Undisputed Facts similar to that filed by SAP as "Exhibit A" to its Reply Brief, which

Hodell also submits contains an inaccurate portrayal of the factual record before the Court.

Hodell agrees to keep any Surreply brief, and will address only those arguments raised in SAP's Reply Brief. Hodell submits that leave to file the requested Surreply is warranted in the interests of justice, especially given that SAP's Reply Brief is virtually equal in length and scope to its original Motion for Summary Judgment. Hodell submits that it should have equal opportunity to demonstrate the legal and factual shortcomings of SAP's Motion, and present why Hodell's claims are appropriate only for resolution by a jury.

Respectfully submitted,

/s/ P. Wesley Lambert

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of November, 2012, a copy of preceding document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ P. Wesley Lambert

P. Wesley Lambert (0076961)